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CONSOLIDATED TEXT

Provision 4-20 in A/CONF.62/C.2/WP.1

NOTE : The language of the Convention on the Territorial Sea Convention is underlined. Undetermined provision references are indicated by parentheses.

State Dept. declassification & release instructions on file

PROVISION 4. ANTE

The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.

PROVISION 4

Except where otherwise provided in these Articles, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State.

PROVISION 4 BIS

In the case of atolls or of islands having fringing reefs, the baseline for measuring the breadth of the territorial sea shall be the seaward edge of the reef, as shown by the appropriate symbol on official charts.

PROVISION 5

OPTION A

1. In localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity, the method of straight baselines joining appropriate points may be employed in drawing the baseline from which the breadth of the territorial sea is measured. Where because of the presence of a delta or other natural conditions the coastline is highly unstable, the appropriate points may be selected along the furthest seaward extent of the low-water line and, notwithstanding subsequent regression of the low-water line, such baselines shall remain effective until changed by the coastal state in accordance with this Convention.

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2. A coastal State may employ the method of mixed baselines, i.e. drawing the baseline in turn by the methods provided for in article ... and this article to suit different conditions.

OPTION B

In localities where the coastline is deeply indented and cut into or if there is a fringe of islands along the coast in its immediate vicinity or if the water adjacent to the coast is marked by continual process of alluvion and sedimentation creating a highly unstable low water line the method of straight baselines joining appropriate points on the coasts or on the coastal waters may be employed in drawing the baseline from which the breadth of the territorial sea is measured.

PROVISION 6

The drawing of such baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the régime of internal waters.

PROVISION 7

Straight baselines shall not be drawn to and from low-tide elevations, unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition.

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PROVISION 8

Where the method of straight baselines is applicable under the provisions of () account may be taken, in determining particular baselines, of economic interests peculiar to the region concerned, the reality and the importance of which are clearly evidenced by a long usage.

PROVISION 9

This Provision has been included under Provision 5.

PROVISION 10

The system of straight baselines may not be applied by a State in such a manner as to cut off from the high seas the territorial sea of another State.

PROVISION 11

The coastal State must clearly indicate straight baselines on charts, supplemented by a list of geographical coordinates of points, deposited with the Secretary General of the United Nations who shall give due publicity thereto.

PROVISION 12*

1. Waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.
2. Where the establishment of a straight baseline in accordance with () has the effect of enclosing as internal waters areas which previously had been considered as part of the territorial sea or of the high seas, a right of innocent passage, as provided in () shall exist in those waters.

* This Provision is without prejudice to Item 16 or other related Items.

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PROVISION 13

If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks. The coastal State must clearly indicate these baselines on large-scale charts deposited with the Secretary General of the United Nations, who shall give due publicity thereto.

PROVISION 14

1. This () relates only to bays the coasts of which belong to a single State.
2. For the purposes of these () a bay is a well-marked indentation whose penetration is in such proportion to the width of its mouth as to contain landlocked waters and constitute more than a mere curvature of the coast. An indentation shall not, however, be regarded as a bay unless its area is as large as, or larger than, that of the semi-circle whose diameter is a line drawn across the mouth of that indentation.
3. For the purpose of measurement, the area of an indentation is that lying between the low-water mark around the shore of the indentation and a line joining the low-water mark of its natural entrance points. Where, because of the presence of islands, an indentation has more than one mouth, the semi-circle shall be drawn on a line as long as the sum total of the lengths of the lines across the different mouths. Islands within an indentation shall be included as if they were part of the water area of the indentation.

PROVISION 15

If the distance between the low-water marks of the natural entrance points of a bay does not exceed twenty-four miles a closing line may be drawn

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between these two low-water marks, and the waters enclosed thereby shall be considered as internal waters.

PROVISION 16

Where the distance between the low-water marks of the natural entrance points of a bay exceeds twenty-four miles a straight baseline of twenty-four miles shall be drawn within the bay in such a manner as to enclose the maximum area of water that is possible with a line of that length.

PROVISION 17

The foregoing /Provisions 14 to 16/ shall not apply to so-called "historic" bays, or in any case where the straight baseline system provided for in () is applied.

PROVISION 18

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast. Offshore installations and artificial islands shall not be considered as permanent harbour works.

PROVISION 19

Roadsteads which are normally used for the loading, unloading, and anchoring of ships, and which would otherwise be situated wholly or partly outside the outer limit of the territorial sea, are included in the territorial sea. The coastal State must clearly demarcate such roadsteads and indicate them on charts together with their boundaries, to which due publicity must be given.

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PROVISION 20

1. A low-tide elevation is a naturally formed area of land which is surrounded by and above water at low-tide but submerged at high tide. Where a low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island, the low-water line on that elevation may be used as the baseline for measuring the breadth of the territorial sea.
2. Where a low-tide elevation is wholly situated at a distance exceeding the breadth of the territorial sea from the mainland or an island, it has no territorial sea of its own.